

**CITY OF HAM LAKE
CITY COUNCIL AND ECONOMIC DEVELOPMENT AUTHORITY MINUTES
MONDAY, JUNE 15, 2020**

The Ham Lake City Council and Economic Development Authority met for its regular meeting on Monday, June 15, 2020 at 6:00 p.m. in the Council Chambers at the Ham Lake City Hall located at 15544 Central Avenue NE in Ham Lake, Minnesota.

MEMBERS PRESENT: Mayor Mike Van Kirk and Councilmembers Jim Doyle, Tom Johnson, Brian Kirkham and Gary Kirkeide

MEMBERS ABSENT: None

OTHERS PRESENT: City Attorney, Joe Murphy; City Engineer, Tom Collins; City Administrator, Denise Webster; and Deputy Clerk, Dawnette Shimek

1.0 CALL TO ORDER - 6:00 P.M. – Pledge of Allegiance

Mayor Van Kirk called the meeting to order and the Pledge of Allegiance was recited by all in attendance.

2.0 PUBLIC COMMENT - None

3.0 SPECIAL APPEARANCES/PUBLIC HEARINGS

3.1 Casey Redland, 13820 Ghia Street NE, discussion of dedicated trail easement in Red Fox Hollow 2nd Addition

Casey Redland with the support of her neighbors was present before the City Council to discuss a trail easement that runs along the north side of her property. Ms. Redland stated that she spent 3 years looking at this property and when purchasing noticed trail signs posted on the property that appeared to be a drainage and utility easement. Ms. Redland purchased the property figuring no one would use the easement. Ms. Redland stated that people are snowmobiling, walking through her property, fishing off her dock and leaving garbage behind. Ms. Redland has talked to the City to understand what the easement is for. Ms. Redland stated she has safety concerns regarding this activity. Ms. Redland stated that there are ducks and geese nesting in the area and people are tromping over them to get to the water. Ms. Redland asked who is legally liable with this access. Mayor Van Kirk asked Superintendent Witkowski about the easement and Superintendent Witkowski stated that there is signage posted showing there is a trail easement. Mayor Van Kirk asked if the easement could be fenced. Councilmember Kirkeide stated that when Red Fox Hollow 2nd Addition was platted it was discussed that the developer dedicate more trail easement than what was actually agreed upon. Councilmember Kirkeide suggested installing a chain link fence to allow access to the trail easement from Ghia Street NE. Councilmember Kirkeide suggested that 138th Avenue NE also be looked at along with Ghia Street NE for an area for parking and reviewing fencing, posting no-parking signs. Ms. Redland agreed with the installation on the fence if that would work. Ms. Redland stated at one time a person drove with a 4-Wheeler towing a boat. Councilmember Kirkeide stated that the easement is to access the water with a canoe or kayak. Zach Bradish, 13810 Ghia

Street NE, stated that he is a neighbor and is concerned with liability if something would happen. Ms. Redland asked if the easement could be vacated and the owners reimburse the City for the property. **It was the consensus of the City Council to have Public Works Superintendent Witkowski draft a plan for fencing, parking and signage; and direct the City Attorney to look into the liabilities of the trail easement at Red Fox Hollow 2nd Addition and review and add to a future agenda.**

3.2 6:01 P.M. – Public Hearing – For citizens to have an opportunity to give written or oral input to reduce or eliminate pollutants from storm water runoff as part of the National Pollutant Discharge Elimination System (NPDES)

Mayor Van Kirk opened the public hearing for comment at 6:22 p.m. and with there being none, closed the public hearing. Councilmember Kirkeide stated that a letter was submitted by a resident and acknowledged the written comment. Engineer Collins stated that the items of concern in the letter are already addressed in the current code and practices.

4.0 CONSENT AGENDA

These items are considered to be routine and will be enacted in one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event the item will be removed from the Consent Agenda and considered in normal sequence. (All items listed on the Consent Agenda are recommended for approval.)

- 4.1 Approval of minutes of June 1, 2020
- 4.2 Approval of claims in the amount of \$244,081.82
- 4.3 Approval of Ordinance No. 20-06 amending Article 7 regarding purchasing tobacco
- 4.4 Approval of purchasing a 2020 Ford F350 for the Fire Department
- 4.5 Approval of written 60 day termination notice to AEM Financial Solutions, LLC
- 4.6 Approval of Plans and Specifications for the reconstruction of streets within the Twin Birch Acres Development and authorization to advertise for bids
- 4.7 Approval of hiring Erik Hlivka, Jacob Groehler and Tom Kassetth as summer seasonal employees in Public Works
- 4.8 Approval of a request by Henri Chastanet for a Lot Line Adjustment and Courtesy Combination between 13780 & 13800 Shenandoah Street NE located in Section 35
- 4.9 Approval of appointing Mark Jones as the Building and Zoning Official
- 4.10 Approval of Resolution No. 20-14 changing a street name within the plat of Hidden Forest East 2nd Addition
- 4.11 Approval of a New Tobacco License for Broadview Operations, LLC, dba 1 Stop Liquor, 16205 Lexington Avenue NE
- 4.12 Approval of Liquor Licenses, subject to the approval of the City Attorney:
 - On-Sale and Sunday On-Sale
 - T-Box Bar & Grill, 1431 147th Avenue NE, Ham Lake, MN
 - Ham Lake Lanes, 16465 Highway 65 NE, Ham Lake, MN
 - Acapulco Mexican Restaurant, 18015 Ulysses Street NE, Ham Lake, MN
 - EAGL Beverages Holding LLC, dba Majestic Oaks Golf Club, 701 Bunker Lake Boulevard NE, Ham Lake, MN
 - Maxx Bar & Grill, 17646 Highway 65 NE, Ham Lake, MN
 - 3.2% Off-Sale
 - Speedway, 1442 Constance Boulevard NE, Ham Lake, MN
 - Wine and 3.2% Malt Liquor

- Mansetti's Pizza & Pasta, 16220 Aberdeen Street NE, Suite C, Ham Lake, MN

Off-Sale

- Grape Expectations, dba Tournament Liquor, 1434 147th Avenue NE, Ham Lake, MN
- Network Liquors, 13548 Highway 65 NE, Ham Lake, MN
- Bidhipur Beverage, Inc., dba Ham Lake Liquors, 17720 Central Avenue NE, Ham Lake, MN
- NEW LIQUOR LICENSE – Broadview Operations, LLC, dba 1 Stop Liquor, 16205 Lexington Avenue NE, Ham Lake (previously Carey's Liquor)

Motion by Kirkham, seconded by Johnson, to approve the Consent Agenda, removing Item 4.1. All in favor, motion carried.

Motion by Johnson, seconded by Kirkham, to approve Item 4.1, minutes of June 1, 2020. Mayor Van Kirk and Councilmembers Johnson, Kirkeide and Kirkham voted yes. Councilmember Doyle abstained. Motion carried.

5.0 PLANNING COMMISSION RECOMMENDATIONS

5.1 Designed Home & Remodeling requesting Preliminary Plat approval and Rezoning for Constance Boulevard Terrace (3726 Constance Boulevard NE) 13 Single Family Residential Lots in Section 14 (This is considered the First Reading of a rezoning Ordinance)

Chuck Plowe, Plowe Engineering and Gus Afrooz, the developer, were present before the City Council. Councilmember Kirkeide stated that a letter was received from Gordon Vadis, 15941 Tippecanoe Street NE, the owner of The Bug Company, and he was concerned with renaming Tippecanoe Street NE, how traffic will be rerouted on Tippecanoe Street NE and maintaining Tippecanoe Street NE. Engineer Collins stated that Tippecanoe Street NE would be renamed to Rendova Street NE or Shenandoah Street NE to match the Anoka County Grid as the City does not have control over issuing street names. Discussion followed regarding possibly having the developer redraft the plat to acquire a more desirable road layout. Engineer Collins stated that the developer has done a minimum of 5 borings per lot and originally the plat consisted of 16 lots and to meet livability the plat is down to 13 lots. If it were to be redesigned, the developer would lose more lots. Discussion followed regarding road right-of-way acquisition. Engineer Collins stated that the road will be 9 ton. Councilmember Kirkham stated that The Bug Company has 38 employees and also has truck traffic. Mayor Van Kirk suggested that the owner of The Bug Company contact Anoka County to see if they can keep the street named Tippecanoe Street NE. **Motion by Van Kirk, seconded by Kirkeide, to concur with the Planning Commission and approve the preliminary plat and rezoning to R-1 (Single Family Residential) for the plat of Constance Boulevard Terrace (13 single family residential lots) in Section 14 (3726 Constance Boulevard NE) subject meeting the requirements of the City Engineer, having the City Attorney negotiate right-of-way acquisition from the Vadis parcel (14-32-23-31-0006) to extend the proposed 162nd Lane NE to the existing Tippecanoe Street NE, meeting all City, State and County requirements. All in favor, motion carried.** This is considered the first reading of an Ordinance to rezone the property within the development of Constance Boulevard Terrace in Section 14 to R-1 (Single Family Residential).

6.0 PARK AND TREE COMMISSION RECOMMENDATIONS - None

7.0 ECONOMIC DEVELOPMENT AUTHORITY – None

8.0 APPEARANCES

8.1 Andrea Worcester, AEM Financial Solutions, 1st Quarter Financial Report

Andrea Worcester, AEM Financial Solutions, gave the 1st Quarter Financial Report. Ms. Worcester reported on the Overall Cash Position by Fund Type, Cash Balances by Fund Compared to Prior Year, General Fund Cash Balances, and General Fund Budget and Actual. Ms. Worcester stated that the Auditors will be attending the July 6, 2020 City Council meeting to go over the 2019 audit.

9.0 CITY ATTORNEY

9.1 Discussion of City Code Changes

Attorney Murphy stated that Building Official, Mark Jones brought forth a few minor city code changes and is requesting the City Council consider adopting these changes for the purpose of clarifying ordinance provisions that are confusing or difficult to enforce. First, code section 10-430(E) currently provides that “New Dwellings” must have paved driveways. It also provides that for “Existing Dwellings or Structures” the property owner must first pave any existing unpaved or inadequately paved driveways serving garages or accessory buildings on the parcel before building permits may be issued for remodeling or improvement projects. If, however, a resident builds a *new* accessory building (or other structure) the requirement for a paved driveway is unclear. Therefore, staff is requesting that the code be amended to provide that “New Dwellings or Structures” must have paved driveways. Second, code section 6-813 currently provides that any “Parking Surface” must be paved with bituminous or concrete surfacing or covered with class V aggregate. Code section 10-430(E), however, only allows class V surfacing or reduced paving requirements if approved by the Building Official and/or City Engineer, upon a showing of special circumstances, like an inordinately long driveway. Therefore, staff is requesting that 6-813 be amended to clarify that class V paving is only allowed in those special circumstances “as approved by the Building Official.” Finally, it is my understanding that the code review committee has requested that 9-220.2, CD-1 Conditional Uses be amended to add “Landscaping Business” to the list of Conditional Uses allowed under the code. Currently, “Landscaping Businesses” are a Permitted Use in CD-2 zoning but not allowed in CD-1. Because this suggested change would require an amendment to Article 9, the Zoning Code, it must first be referred to Planning and Zoning for a public hearing. **Motion by Kirkeide, seconded by Doyle, to direct Attorney Murphy to draft ordinances to amend the City Code to clarify driveway hard surface requirements and these ordinances be placed on a future agenda for approval and to direct the Planning Commission hold a public hearing to amend Article 9 to allow Landscaping Business in CD-1 Zoning with a Conditional Use Permit. All in favor, motion carried.**

10.0 CITY ENGINEER – None

11.0 CITY ADMINISTRATOR – None

12.0 COUNCIL BUSINESS

12.1 Committee Reports - None

12.2 Discussion of 4th of July Fireworks

Mayor Van Kirk stated that the Ham Lake Chamber of Commerce generally funds the fireworks display at Lion’s Park. Mayor Van Kirk stated that with businesses being closed because of the COVID-19 pandemic, the Chamber does not have the funds to pay for the fireworks display. Mayor Van Kirk stated that he would like to move forward with holding the fireworks display and funding it through the general fund. Mayor Van Kirk stated that they would have food and beverage trucks and additional porta-potty’s set-up at Lion’s Park for the event. **Motion by Van Kirk, seconded by Doyle, to approve the fireworks**

display to be held on Saturday, July 4, 2020 at Ham Lake Lion’s Park, to be funded by the general fund. All in favor, motion carried.

12.3 Discussion of Article 11-270 – Inground Swimming Pools – fencing

Councilmember Kirkham stated that a resident inquired if a pool is still required to be fenced if the pool is equipped with an automatic pool cover. Currently the City Code requires that every “in-ground” swimming pool shall be enclosed by a fence or wall not less than four feet high. Building and Zoning Official Jones stated that the minimum area requiring fencing at this time would be the pool and a 36” walking isle. Discussion followed whether it is necessary to require pools to be fenced if the pool is equipped with an automatic pool cover with ASTM (American Society for Testing and Materials) standards. The property owner requesting the code amendment is on 10 acres, however there is a neighbor close by. The property owner had intended on installing a fence until they looked at purchasing the automatic cover. **It was the consensus of the City Council to direct Building and Zoning Official, Mark Jones, to research whether an automatic pool cover is a sufficient barrier for inground pools and also to direct Attorney Murphy to research the legalities of requiring fencing or an automatic pool cover as a safety barrier for inground pools and add this discussion to a future agenda.**

12.4 Announcements and future agenda items

Mayor Van Kirk announced that the City of Ham Lake will be having a Fireworks display at Lion’s Park on Saturday, July 4, 2020. Mayor Van Kirk added that there will be food and beverage trucks at the event and asked that people patronize local bars, restaurants and businesses in whatever way they can

Motion by Kirkeide, seconded by Kirkham, to adjourn the meeting at 7:10 p.m. All in favor, motion carried.

Dawnette Shimek, Deputy City Clerk